



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,667	02/15/2002	Allon G. Englman	47079-0127	2996

7590

06/20/2003

Michael J. Blankstein  
WMS Gaming Inc.  
800 South Northpoint Boulevard  
Waukegan, IL 60085

EXAMINER

MENDOZA, ROBERT J

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 06/20/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/077,667

Applicant(s)

ENGLMAN, ALLON G. *ad*

Examiner

Robert J Mendoza

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-17, 19, 22, 23 and 25-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoseloff et al. (USPN 6,311,976).**

Reagrding claims 1-7, 19 and 25-31, Yoseloff discloses, in col. 7:37-50 & col. 14:13-37, a gaming system for conducting a game of chance (slots) comprising means for receiving a wager from a player to purchase a series of plays of the game, means for providing the player with the series of plays, means for randomly generating at least one outcome for each play and means for providing an accumulation feature that accumulates an element of the game over a plurality of the plays in the series. Yoseloff discloses, in col. 7:37-64, col. 25-32 & col. 11:23-37, the plurality of possible outcomes including a plurality of winning outcomes defined by a pay table, the winning outcomes in the pay table being directly associated with respective non-credit-based awards. Yoseloff discloses, in col. 7:37-39, the game includes slots. Yoseloff discloses, in col. 7:41-67 & col. 8:1-6, the accumulation feature is triggered by a special outcome in the basic game. Yoseloff discloses, in col. 12:7-12, the accumulated element is a credit amount on a meter. Yoseloff illustrates, in FIGS. 1-4 discloses, in col. 7:41-64, col. 11:66-67 & col. 12:1-36, the accumulated element is a collected object further including a triggering a bonus in response collection of a predetermined number of the object during the series of games.

Art Unit: 3713

Regarding claims 8-17, 22, 23 and 32-42, Yoseloff discloses, in col. 11:10-12, the accumulation feature is reset to include no accumulated elements prior to each purchase series of plays. Yoseloff discloses, in col. 7:37-67 & col. 8:1-7 the game includes a basic game and a bonus feature triggered by a special outcome in the basic game, the at least one random event being associated with the basic game and with the bonus game. Yoseloff discloses, in col. 8:23-36 each play includes at least one random event that is interdependent of one or more other plays in the series. Yoseloff discloses, in col. 7:37-48, the predetermined event corresponds to collection a predetermined number of the element. Yoseloff discloses, in FIG. 3, col. 7:37-64 & col. 10:42-57, the predetermined event corresponds to a certain position of the element on a trail, ladder or meter. Yoseloff discloses, in col. 13:45-57, providing an award to the player if the outcome is a winning outcome and the game includes a slot game having a plurality of symbol-bearing reels that, during each play in the series, are spun and stopped to place symbols on the reels in visual associated with a display area. Yoseloff discloses, col. 8:10-15, the non-credit based awards include a number of free plays. Yoseloff discloses, in col. 9:25-32, the non-credited based awards include a number of collected symbols.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18, 20, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Duhamel (USPN 6,311,976)..**

Art Unit: 3713

The disclosure of Yoseloff has been discussed above and is, therefore, incorporated herein. However, Yoseloff lacks in disclosing a draw poker game, poker hand rankings, and a number of movements of a space identifier along a trial with a plurality of spaces. Duhamel, in an analogous gaming system, teaches, in FIGS. 2-9, col. 5:47-67 & col. 6:1-37, a draw poker game, poker hand rankings, and a number of movements of a space identifier along a trial with a plurality of spaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Duhamel into the disclosed invention of Yoseloff. One would be motivated to combine the teachings of Duhamel with the disclosure of Yoseloff in order to, diversify the visual presentation of accumulated game elements to a player and increase the overall excitement of the game.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Paul Sewell, can be reached at (703) 308-2126.

RM

RM  
June 16, 2003



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700